

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

STACY PLUMLEE,

Plaintiff,

v.

CONNECTIONS COMMUNITY
SUPPORT PROGRAMS, INC., et al.,

Defendants.

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Civil Action No. 16-902-RGA

MEMORANDUM ORDER

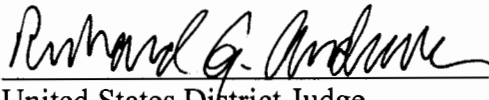
Defendant Javonne Payne is one of a number of defendants in this civil rights lawsuit. She has filed a motion to dismiss based on failure to state a claim. (D.I. 5).

There is one relevant principle of law that is at issue here. Namely, in a section 1983 claim of failure to provide medical care, a plaintiff must plead factual allegations sufficient to plausibly allege individual liability. A section 1983 lawsuit of the sort alleged here, that is, based upon the eighth amendment, requires a showing of willful indifference to the deprivation of a plaintiff's constitutional rights. In this case, there are only two facts that are alleged against Defendant Payne. One, she was an intake correctional officer when Plaintiff was brought into prison. (D.I. 1-1 ¶¶ 8, 27). Two, Defendant Payne, in this capacity, filled out an intake form on which there was the prompt, "Upon receipt, the prisoner reported/complained of the following injury medical problem:" Next to it, Defendant Payne wrote, "will discuss." (*Id.* at ¶ 27). The only other allegation about Defendant Payne is that some handwritten notes may or may not have been written by her. (*Id.* at ¶ 30).

That is it. In my opinion, that is insufficient to plausibly allege that Defendant Payne violated Plaintiff's civil rights.

The motion to dismiss (D.I. 5) is **GRANTED**.

IT IS SO ORDERED this 22 day of February 2017.


United States District Judge